

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163173)
Chief, Criminal Division

SUSAN KNIGHT (CSBN 209013)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5056
FAX: (408) 535-5066
Susan.Knight@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS YAIR MARTINEZ,

Defendant.

No. 5-99-213 EAI

APPLICATION AND ~~PROPOSED~~
ORDER DISMISSING CRIMINAL
COMPLAINT TO DISMISS CRIMINAL
COMPLAINT

SAN JOSE VENUE

The United States, through undersigned counsel, respectfully requests that the Court dismiss the above-captioned criminal complaint. On July 23, 1999, a complaint charging the defendant with Unlawful Flight to Avoid Prosecution, in violation of Title 18, United States Code, Section 1073, was signed by Magistrate Judge Edward A. Infante. The complaint alleged that the defendant, who was wanted on a state warrant issued on June 24, 1999 by Superior Court of Santa Clara County for murder, had fled to avoid apprehension by law enforcement. The Federal Bureau of the Investigation learned that the defendant was in Mexico, and he was subsequently arrested by Mexican authorities on September 1, 1999. The defendant was then immediately deported to the United States and booked into Miami-Dade County Jail. He waived extradition to the State of California to face murder charges. Due to an oversight, the criminal complaint

Filed

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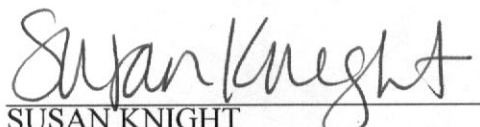
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 was never dismissed. Therefore, the government requests that the Court dismiss the criminal
2 complaint and recall the arrest warrant.

3 Respectfully submitted,

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6
7 DATED: 7/21/10

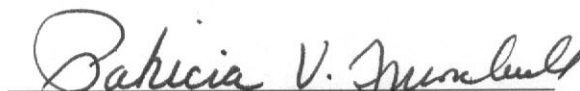
8 
SUSAN KNIGHT
Assistant United States Attorney

9
10 ORDER

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that the above-captioned
12 criminal complaint is dismissed and the arrest warrant recalled.

13 SO ORDERED.

14
15 DATED: 7/21/10

16 
PATRICIA V. TRUMBULL
United States Magistrate Judge